vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.357 OF 2004
IN
SUIT NO.1369 OF 1983

M/s.Deokar Export Corporation ... Plaintiff

V/s.

National Insurance Co. Ltd. ... Defendants

Mr.D.B. Parab for Applicant/Plaintiff
Mr.Sanjeev Singh i/b Narichani & Narichani for Defendants

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 14, 2005**

P.C.:

. The Chamber Summons has been filed for incorporating more particulars in the plaint as to how the plaintiff had suffered damage and for which the defendants were responsible. The suit has been filed in 1983. Pleadings are complete and issues have already been framed. The Chamber Summons has been moved after 21 years. In fact, the Chamber Summons was made returnable on 26.3.2004. The plaintiff has made no effort to have the matter placed on Board. Obviously, therefore, the plaintiff is not very serious about the amendments sought. Apart from this, there is no explanation whatsoever in the affidavit filed in support of the Chamber Summons as to why there is a delay of

over 21 years in moving the present Chamber Summons to incorporate the details. In my view, since the issues have already been framed, it would be inappropriate to permit the plaintiff to amend the plaint at this belated stage.

2. There is no mention in the affidavit in support of the Chamber Summons that this material which the plaintiff wants to incorporate in the plaint was not available to the plaintiff earlier. Therefore, the Chamber Summons is dismissed.